

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

March 23, 2017

Mark Sanders
Westpoint Harbor LLC
1529 Seaport Boulevard
Redwood City, California 94063

SUBJECT: Additional information required before your application may be filed as complete for Amendment No. Seven to BCDC Permit No. 2002.002.00 (second request)

Dear Mr. Sanders:

On February 21, 2017, I received your response to my letter dated February 6, 2017, in which I asked you to provide additional information about the project proposed in your application for Permit Amendment No. Seven (received January 5, 2017). Unfortunately, your response was incomplete. Therefore, I must ask you again to provide the following information, which is required to be submitted to file your permit amendment application as complete. Before addressing the list of required information, however, I will briefly respond to some of the requests and comments you made in your February 21st letter.

As you requested, we will omit the two approximately 1,500-square-foot decks that you requested authorization for in your initial application letter for Permit Amendment No. Seven from further consideration as part of your application.

With regard to the rower's boathouse, thank you for clarifying your position that the boathouse is authorized because it is shown in the legal instrument. Upon review of the legal instrument, I could not identify the rower's boathouse as you describe it in the metes and bounds descriptions of either the public access or open space areas, or in any of the various exhibits of the legal instrument, with a single exception: in the site plans attached as exhibits to Permit Amendment No. Three, which is part of the instrument, there is an unidentified building site in Phase 3 in the location that you now assert is the intended location of the rower's boathouse. However, the reference to a building site in the permit exhibit, which, as referenced in Special Condition II.B.1, shows the Public Access Plan, does not establish that the rower's boathouse is authorized by the permit. What is determinative is that the Authorization section of the permit (Section I) does not include any reference to the construction or use of a rower's boathouse in Phase 3 (See Amendment 6, page 5). Therefore, your only available option to obtain authorization for the proposed rower's boathouse is through a permit amendment.

Since you cannot add the rower's boathouse to the permit without an amendment, if you would rather not include the rower's boathouse in this permit amendment application, please state your desire to withdraw it from the application in your written response to this letter.



If you choose to pursue authorization for the rower's boathouse as part of this amendment application, please provide the following information:

- 1. Additional Rower's Boathouse Project and Site Information.** You clarified that you intend to locate the rower's boathouse in the upland, in the Phase 3 project area, with a footprint of approximately 6,000 square feet. Currently, the permit authorizes a 5,000-square-foot yacht club, an 8,000 square-foot restaurant, and up to a 6,000-square-foot marine store, and up to 10,000 square feet of retail space in the Phase 3 project area. The total authorized square footage of the Phase 3 building envelope is up to 35,000 square feet. In your response, please clarify whether you intend the square footage of the rower's boathouse to be in addition to the authorized square footage in Phase 3, or whether you intend to reduce the square footage of one or more of the other buildings to accommodate the footprint of the boathouse.

If you intend to increase the size of the Phase 3 building envelope to 41,000 square feet, this would constitute a change (i.e., increase) in the use intensity of the Phase 3 area, which may require additional public access improvements to offset this increase in the intensity of development.. Therefore, in your response to this letter, please detail any additional public access proposal that would offset the change in the intensity of use of the area.

If, however, you intend to reduce the square footage of one or more of the other buildings of the Phase 3 building envelope, as currently authorized, to accommodate the rower's boathouse, please state which of the abovementioned building footprint(s) you would reduce, and by how much. You must also compare the use intensities of the building(s) you will reduce with the use intensity of the rower's boathouse, and describe the comparison in your response. If there is a significant increase in the intensity of the use of the Phase 3 area that may result from the presence of the rower's boathouse, you may be required to propose additional public access to offset the difference. [You must also submit a revised set of Phase 3 site plans that depict the reduced square footage of the affected structure(s).]

In your last response you stated that, "pedestrian access will be momentarily interrupted as rowing shells move," between the rower's boathouse and the water. Additional clarification is needed about this impact to pedestrians' access to the path. Please tell me how frequently that access to the path would be interrupted and how long each interruption should last. If BCDC staff determines the frequency and duration to be significant, we may ask you to take steps to mitigate impacts to the public access path along the marina basin.

Please complete Boxes 4 and 5 of the enclosed permit application including the list of questions. For example, how many people would the boathouse serve? Who would use it? Would it be private or public? What kind of boats would you store in it?

2. **Rower's Boathouse Project Plans.** In your response, you submitted two sheets of site plans that were presented to the Design Review Board in August 2006 to demonstrate the intended location of the rower's boathouse. However, the sheets you submitted are unsuitable to fulfill the project plan requirements that I requested in my February 6, 2017 letter. Therefore, again I must ask you to submit clean and legible project plans for the rower's boathouse.

You must submit one full-size set of plans and one reduced size set (8-1/2" x 11") that include a scale, a north arrow, the preparation date and name of the preparer. At least one sheet in the set should depict an overhead view of the rower's boathouse that includes the dimensions and square footage of the building footprint, and the building's location in relation to the public access path, nearby roads, lots, the other Phase 3 structures (including their proposed square footage), and property lines, where applicable, as well as the Mean High Tide and 100-foot Shoreline Band jurisdiction lines. You must also include at least one sheet that depicts the rower's boathouse building elevations and sections.

3. **Cost of the Rower's Boathouse Project.** Please report the total cost of the rower's boathouse project, including the cost of the foundation that already exists in the area where you intend to build the structure, if approved.
4. **Local Government Approval of Rower's Boathouse Project.** Please submit all relevant documentation demonstrating that all necessary local discretionary approvals have been received for the rower's boathouse in the proposed location. If local discretionary approval is not required for this structure, please explain why not in your written response to this letter, and submit relevant documentation published by, or addressed to you from, your local government demonstrating that this project is not subject to local discretionary approval.

With regard to the temporary fence that you wish to install around the Phase III building sites, your response was incomplete. Please submit the following information to file your request as complete:

1. **Temporary Fence Project Plan and Additional Project Information.** Please provide a full size set and reduced size set of plans depicting the area that you propose to encompass by the temporary fence, including the total length of proposed fence, the lengths of the various fence sections, the proposed setback distance from the public access pathways adjacent to the fence, the proposed fence material and color, the proposed height of the fence, the locations of any gates and method of installation. The plan must also include a scale, a north arrow, the preparation date and the name of the person who prepared it.

In your response, you stated that the fence is proposed to be set back two feet the path feels open and inviting to the public. We request that you propose a further setback of at least four feet from the public access pathways and view corridors, if applicable. You should also consider installing a short fence (e.g., three feet high) in order to reduce the view impacts of the fencing and to avoid the need for local discretionary approval, which will delay your ability to file your application as complete.

With regard to both structures, please provide the following information, as requested in my February 6th letter:

1. **Photographs.** Presently dated photographs are required that clearly illustrate the intended locations of the proposed structures to be included in Amendment No. Seven, as well as the views to the Bay from: (1) the project sites and (2) nearby roads or public access areas where views to the Bay may be impacted in any way by the proposed structures.
2. **Other Governmental Approvals.** Please provide the approval from the Regional Water Quality Control Board, if it is required, when it is available, and provide any consultation required with state and federal wildlife agencies. This information must be provided to us prior to filing the application as complete. If it is not required, please explain why not in your written response to this letter.
3. **Environmental Documentation.** You stated in your response that the Mitigated Negative Declaration and CEQA mitigation measures include all structures authorized in the permit. It is unclear whether you are referring to all currently authorized/existing as well as any additional structures that may be authorized by BCDC in the future, or just currently authorized structures. Please confirm with the City of Redwood City that no additional environmental documentation is needed to add the temporary fence and the rower's boathouse to the permit.

Feel free to contact me at mtrujillo@bcdca.gov or (415) 352-3633 if you have any questions.

Sincerely,



MATTHEW TRUJILLO
Coastal Program Analyst II

Attachments: BCDC Permit Application Boxes 4 and 5

cc: David Smith, Stice Block
Dawn Jedkins, DES Associates + Engineers
Aaron Aknin, Redwood City Community Development Department

Box 4

Shoreline Band Information

("Shoreline band" means the land area lying between the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. The Bay shoreline is the Mean High Water Line, or five feet above Mean Sea Level in marshlands.)

- a. Does the project involve development within the 100-foot shoreline band around San Francisco Bay?

☐ Yes ☐ No

If "Yes," complete this box.

- b. Types of activities to be undertaken or fill, materials or structures to be placed within the shoreline band:

- c. Would the project be located within a priority use area designated in the San Francisco Bay Plan?

☐ Yes ☐ No

The Bay Plan and Maps that depict priority use areas can be viewed in the digital library at www.bcdc.ca.gov.

If "No," go to section (d). If "Yes," please indicate which priority use the area is reserved for: _____

Would the project use be consistent with the priority use for which the site is reserved?

☐ Yes ☐ No

If "Yes," go to section (d). If "No," attach an explanation of how the project can be approved despite this inconsistency.

- d. Total shoreline band area: _____ square feet
- Within project site: _____ square feet
- To be reserved for private, non-public access uses: _____ square feet
- To be reserved for public access: _____ square feet

- e. **INFORMATION ABOUT WORK PROPOSED IN THE SHORELINE BAND (PROVIDE IN AN ATTACHMENT):**

1. Provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.
2. Provide one or more photographs of existing conditions within the 100-foot shoreline band.

Box 5

Public Access Information (must be completed by all applicants)

a. PUBLIC ACCESS DETAILS:

1. Does public access to the shoreline or do views to the Bay presently exist at the project site, at a contiguous property, or from nearby roads or public access areas?

☐ Yes ☐ No

If "Yes" attach a description of the existing public access and views at these areas.

If "No," explain what is preventing public access to, or views of, the shoreline.

2. Describe how the project would or would not adversely impact present and future public access and views to the Bay. If so, describe how the proposed public access would offset the impact.
3. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Describe how the project would change these factors.
4. Identify the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site and describe the impact the project is expected to have on that use.
5. Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site?

☐ Yes ☐ No

If "Yes," describe the public safety considerations or significant use conflicts that make it infeasible to provide public access at the project site and either: (1) identify an offsite area where public access to the shoreline is proposed as part of the project and describe the proposed public access area and improvements at that location; or (2) explain why no offsite public access is proposed as part of the project.

(Box 5, Public Access, continued)

6. Dimensions of the public access areas: ☐ None Proposed

	Existing		Proposed
Total public access area including areas outside the Commission's jurisdiction:	_____ square feet		_____ square feet
Public access within Commission's shoreline band jurisdiction:	_____ square feet		_____ square feet
	_____ linear feet		_____ linear feet
	_____ average width		_____ average width
Public access pathways, sidewalks in the shoreline band:	_____ square feet		_____ square feet
	_____ linear feet		_____ linear feet
	_____ average width		_____ average width
Public access area, landscaping in the shoreline band:	_____ square feet		_____ square feet
Public access on fill within Commission's Bay, certain waterway, and managed wetlands jurisdiction:	_____ square feet		_____ square feet
	_____ linear feet		_____ linear feet
	_____ average width		_____ average width
Public access on piers or decks over water/wetlands:	_____ square feet		_____ square feet
	_____ linear feet		_____ linear feet
	_____ average width		_____ average width
View Corridor(s):	_____ square feet		_____ square feet
	_____ linear feet		_____ linear feet
	_____ average width		_____ average width
Public Access Parking:	_____ stalls		_____ stalls

b. ADDITIONAL PUBLIC ACCESS INFORMATION (PROVIDE IN AN ATTACHMENT):

1. Describe the existing and proposed public access improvements, both on-site and off-site, including decks, piers, pathways, sidewalks, signs, benches, landscaping, parking, and any other proposed public improvements.
2. Describe how the public access area and facilities would be accessible to disabled persons.
3. Describe the proposed connections to existing public streets or offsite public pathways.
4. Specify how the public access areas would be permanently guaranteed (e.g., dedication, deed restriction, etc.) and how the areas and improvements would be maintained.
5. Describe the species present, wildlife use, and habitat conditions in and adjacent to the proposed public access areas and the likely type and degree of human use of the site (i.e., bicycling, dog walking, birding, frequency of use, etc.). Describe how any potential adverse effects on wildlife from public access would be avoided or minimized through the siting, design and management of the public access being proposed at the site.